

CHAPTER 33-06-03 HEALTH OFFICER INVESTIGATION

Section

33-06-03-01	Infectious or Communicable Disease
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33-06-03-01. Infectious or communicable disease. When any infectious or communicable disease is reported to a health officer or when the health officer has reason to suspect that such disease exists within the officer's jurisdiction, the officer shall make a thorough investigation, if necessary, and if such disease is found to exist, the officer shall take such steps as are required by the laws of the state and by this chapter. If upon investigation the health officer shall find that a disease for which isolation is required has recently existed on any premises within the officer's jurisdiction, the officer shall place such premises under surveillance until the expiration of the incubation period.

General Authority: NDCC 23-01-03

Law Implemented: NDCC 23-01-03

33-06-03-02. Insanitary condition. Each health officer shall investigate whenever and wherever the officer has reason to suspect that any insanitary condition dangerous to public health exists within the officer's jurisdiction, and if such insanitary condition is found to exist, the officer shall order its removal within a specified time by a written notice served on the owner or agent of the property whereon such insanitary condition exists. If the owner or agent shall fail to remove or remedy such insanitary condition within the time specified in such written notice, the health officer shall bring the matter to the attention of the county attorney and, if necessary, file a complaint against such owner or agent for maintaining an insanitary condition dangerous to public health and in violation of the laws of the state and regulations of the state department of health.

History: Amended effective February 1, 1996.

General Authority: NDCC 23-01-03

Law Implemented: NDCC 23-07-06

33-06-03-03. School may be closed. Whenever, in the judgment of the state department of health or of any county or city health officer, it is advisable to close the schools because of the prevalence of any contagious or infectious disease or diseases, the health officer shall serve written notice upon the board of school directors or the responsible officials of any private, parochial, public, or Sunday school in the same district in which such disease or diseases prevail, directing

them to close all schools immediately nor shall any such schools be reopened until ordered by the proper health official.

History: Amended effective February 1, 1996.

General Authority: NDCC 23-01-03

Law Implemented: NDCC 23-01-03

33-06-03-04. Disclosure of records. Information contained in disease control records and held by the state department of health is strictly confidential information. Information contained in disease control records includes all information, records of interviews, written reports, statements, notes, memoranda, or other data procured by the department in connection with disease control, or carried on by the department jointly with other persons, agencies, or organizations, or procured by such other persons, agencies, or organizations, for the purpose of disease control or for such purposes of reducing the morbidity or mortality from any cause or condition of health.

No officer or employee of the state department of health may be examined in any judicial, executive, legislative, or other proceeding regarding the existence or content of any individual's report retained by the department for disease control. The information may not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except that:

1. Medical or epidemiologic information may be released for statistical purposes in a manner such that no individual person can be identified.
2. Medical or epidemiologic information may be released to medical personnel to the extent necessary to protect the health or life of any individual.
3. Medical or epidemiologic information may be released to the person to whom the record pertains, that person's attending physician, or their legal or designated agent or guardian, provided no other person is identified. The department may require a signed consent from the patient prior to such release.
4. Disease control records other than those relating to human immunodeficiency virus infection may be released to a person engaged in a bona fide research project concerning medical, psychological, or sociological issues provided all of the following conditions are met:
 - a. The research project must be sponsored by a public or private college or university; a governmental entity; a nonprofit medical, sociological, or psychological association; or the pharmaceutical industry.
 - b. Identifying information may not appear in any report, summation, thesis, or other document arising out of the research project.

- c. Identifying information may not be provided to a person engaged in a bona fide research project until that person has submitted a written proposal explaining and justifying the need to examine such information which is satisfactory to the state health officer.
- d. All documents received by the researcher and all documents containing identifying information made by or on behalf of the researcher, by whatever means, including hard copies, typewritten or handwritten copies, photocopies, facsimiles, and electronic or electromagnetic recording or imaging, must be returned to the department on or before a date which shall be set by the state health officer.
- e. The researcher shall submit a written plan explaining how all identifying information in the researcher's possession will be kept secure, to the satisfaction of the state health officer, who shall obtain written assurance that the plan will be implemented.
- f. The researcher shall agree to provide the state health officer a copy of any report, summation, thesis, or other document arising out of the research project for departmental review of compliance with this section before providing it to the publisher.
- g. The researcher shall consent in writing to the use and reproduction of the document by the department.
- h. The researcher shall agree in writing to pay all costs of the state health officer or the department incurred in providing copy or search services to the researcher.
- 5. Release may be made as otherwise provided by statute.
- 6. For purposes of this section:
 - a. "Disease" includes physical, genetic, or environmental conditions, psychological or mental conditions, and addictions.
 - b. "Identifying information" includes any information which, alone or in conjunction with information available to the public, could identify a particular person as having or potentially having been exposed to a disease, having or potentially having a disease, or having or potentially having a predisposition for disease.

History: Effective April 1, 1990; amended effective February 1, 1996.

General Authority: NDCC 23-01-03, 23-07-01.2

Law Implemented: NDCC 23-01-15, 23-07-02.2, 23-07-20.1